



ALL THAT'S NEWS...

Executive Ethics Board

Volume 1, Issue 1

New Website Released

The Executive Ethics Board proudly unveiled a new website in February. The design provides a more modern look and is very user-friendly.

The site features prominent buttons on the home page to popular topics of



*We welcome your comments
on the new website:
ruthannb@atg.wa.gov*

interest and a few new additions, including contracting with state agencies and EEB news.

We also developed a new Frequently Asked Questions list to reflect the most common questions state employees are asking of Board Staff and our agency Ethics Advisors.

For those interested in research and reference, Advisory Opinions can now be sorted by subject and by year and Agency Policy Reviews can be sorted by agency, subject or date. "Other Board Ad-

vice" contains questions found in Advisory Opinion 02-02 A, Use of Resources. Look for Board advisory letters to be added in the near future as well.

A new format to the always popular "Ethics Challenge" is available for you to test your knowledge of the Ethics Law.

We invite you to visit our new website and become familiar with the layout and design.

Feel free to contact us with any comments or questions.

www.ethics.wa.gov

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Ethics Board Members

- Evelyn Yenson, Chair
- Judy Golberg, Vice Chair
- Trish Akana, Member
- Neil Gorrell, Member
- Kyle Usrey, Member

Outreach Program

The Executive Ethics Board is currently developing an outreach program aimed at educating state officers and employees on the Ethics in Public Service Act. As this program gets underway,

we are currently taking orders for Ethical Issue posters.

The posters are available to all state agencies at no cost. Each poster features "Help Line" tear off cards to provide individuals

with contact information for assistance with their Ethics questions.

If you would like to order posters to display in your agency, send an email to ruthannb@atg.wa.gov

Recent Executive Ethics Board Case Decisions

EEB Case 04-070 An Order and Judgment was issued against a former Clark College employee for violation of RCW 42.52.160 when she used a state printer for personal business and to support a business owned by her husband. In addition, she used her state computer to access the Internet to perform bill paying and visit exercise clubs, credit card companies, game, shopping and entertainment sites. She also used her state computer to send and receive email not related to her official duties. A penalty in

the amount of \$1,000 was assessed.

EEB Case 06-023 An Order and Judgment was also issued in a case against a former State of Washington, Parks and Recreation Commission employee for violation of RCW 42.52.160 when she sent personal emails to other state employees using her state email account. Data captured



Settlements and Orders are available for viewing on our website: www.ethics.wa.gov
Results of Enforcement

approximately 72 hours of time within a 13 day period spent sending email not related to her official duties. The content of the email revealed gossip and discussion about other employees, inappropriate language, and personal information about her home situation and health. The Board assessed a penalty of \$1,150 in this case.

January Enforcement Hearing

On January 12, 2007, the Board held an enforcement hearing to determine if Teresa Knudsen, a former employee of Spokane Community College, violated the Ethics Law when she used state resources to distribute an email to college faculty concerning legislation pending before the State Legislature regarding part-time public employees.

Administrative Law Judge Brian Watkins presided over the hearing. Ms. Knudsen admitted to sending

the email and testified that she was exercising her First Amendment rights, organizational effectiveness and that the email was within the de minimis standard.

The Board concluded that her email constituted unauthorized lobbying under RCW 42.17.190 and was intended for the private benefit or gain of Ms. Knudsen or others. RCW 42.52 and WAC 292-110-010 do not support the reasons offered by Ms. Knudsen to authorize her

A penalty of \$1,000 was assessed in this case.

activities in this case.

Ms. Knudsen has appealed the decision.

Do you know what section of the Ethics Law generates the most complaints?

RCW 42.52.160 Use of persons, money or property for private gain. The law prohibits the use of state resources for private benefit or gain. A private benefit or gain can range from avoiding a cost or expense by using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to

have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

Using state computers for personal

e-mail and accessing the Internet for personal purposes are the most common complaints we receive ~ nearly 50% of cases in both 2005 and 2006.



Your e-mail may be subject to the Public Records Law

Agency Policies and the Safe Harbor Provision

Many state agencies have established their own internal policies or administrative rules that relate to ethical issues and questions that are specific to the agency. In some cases your agency may adopt policies that are more restrictive than the requirements in the state's ethics law.

It is important for all state agencies to remember that WAC 292-120-035 invites and encourages agencies to adopt policies to prevent employees from violating the Ethics in

Public Service Act. Pursuant to RCW 42.52.360(4) the Board may review and approve agency policies. The Board will not impose sanctions for conduct that would violate the Ethics in Public Service Act, so long as the conduct at issue was permitted under a Board-approved agency policy.



To submit a policy for Executive Ethics Board review:
ethics@atg.wa.gov

We welcome agencies to submit policies for approval by the Executive Ethics Board and gain the security provided with the safe harbor provision. For more information please call staff at 360-664-0871.

Agency Ethics Advisor Group

Did you know that we have an Ethics Advisor Group? This group is made up of Ethics Advisors from several state agencies who are available to assist their own staff with ethics questions and concerns.

We get together on the Tuesday afternoon following our regular Board meetings to review action taken by the Board at their meeting and to brainstorm ideas for educating staff on the Ethics Law.

These meetings also provide a forum for advisors to bring questions they receive from staff to discuss with their peers from other agencies in an informal, roundtable environment.

Agency Ethics Advisors are an asset to the Executive Ethics Board and staff and we invite your agency to join us. If you would like more information on becoming a member of our group, or have comments,

*Does my agency have an Ethics Advisor?
Contact your HR Office*

please contact Ruthann Bryant at 360-586-3265 or via email ruthannb@atg.wa.gov

Request for Advisory Opinion

The Department of Health (DOH) asked the Board whether members of the Washington state mental health counselors, marriage and family therapists, and social worker advisory committee could be retained on a contract with DOH to serve as expert witnesses on disciplinary cases involving counselors who are credentialed by the DOH.

Following discussion, the Board declined to issue an opinion since it is clear that a committee member contracting with DOH to provide expert witness services would be in violation of RCW 42.52.120 and 42.52.020. The violation would occur since members' responsibilities include advising DOH on disciplinary matters.



For reference:
RCW 42.52.120,
42.52.020 and
Advisory Opinion 96-07

Executive Ethics Board

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We're on the Web!

www.ethics.wa.gov

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